

## By a horse which is designated for carrying birds – בסוס המיוחד לעופות

### OVERVIEW

ruled that one may sell a horse to a gentile (despite the fact that generally one may not sell large animals to a נכרי).<sup>1</sup> ר' יוחנן said that this ruling of בתירא is in agreement with ר"נ that ר"נ asked that regarding a person the רבנן agree with ר"נ; why are we saying that בתירא agrees only with ר"נ. The גמרא answered that this statement of ר' יוחנן was regarding a horse which carries birds; in this case the רבנן maintain that a bird is not נושא את עצמו, however since בתירא agrees with ר"נ, that even a bird is נושא את עצמו, therefore it is permitted. רבנן and בתירא clarifies the positions of בתירא and the רבנן.

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ובן בתירא מתיר בסוס בכל הסוסים קאמר<sup>2</sup> -

**When** the משנה stated that **בתירא** **בן בתירא** permits a horse to be sold, he meant all horses (even a horse which is not designated for people) -

**ורבנן אוסרין בכל הסוסים<sup>3</sup> משום סוס המיוחד לעופות דלא חילקו חכמים בסוסים:**

**And the רבנן prohibit all horses** (even those that are used for carrying people, where the חכמים agree that (החי נושא את עצמו), the reason is **on account of a horse which is designated for birds** (where we do not say נושא את עצמו), which is prohibited, so they also prohibited all other horses **for the חכמים did not differentiate in horses.**

### SUMMARY

בתירא permits the selling of all horses and the רבנן prohibit the selling of all horses.

### THINKING IT OVER

Why does תוספות assume that the רבנן prohibit the sale of all horses?

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<sup>1</sup> One may not sell large animals to a נכרי out of concern that we may rent out animals to them. We are not permitted to rent out animals to a נכרי out of concern that the נכרי may work the animal on שבת (to plow for instance), and a ישראל is prohibited from having his animal work on שבת (a ישראל is prohibited from having his animal work on שבת). However since a horse is used for riding purposes we are permitted to sell it, for riding on a horse is not a מלאכה which is אסורה מה"ת (since החי נושא את עצמו).

<sup>2</sup> ר' יוחנן teaches us that we should not think that בתירא only allows a horse for people (where the חכמים agree that נושא את עצמו), but rather ר"נ permits even a horse for people because ר"נ agrees with ר"נ that every חי is נושא את עצמו.

<sup>3</sup> We should not think that the חכמים prohibit only an horse for people (which בתירא permits) since by animals we do not say נושא את עצמו, however by a horse for carrying people they also permit it since by people the חכמים agree that נושא את עצמו; however תוספות negates this approach. See 'Thinking it over'. See א"ה אלא תוס' ע"ז טז, ד"ה אלא.